

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONET CARTER-MIXON, as Personal
Representative of the Estate of MANUEL
ELLIS, and MARCIA CARTER,

Plaintiff,

v.

CITY OF TACOMA, CHRISTOPHER
BURBANK, MATTHEW COLLINS,
MASYIH FORD, TIMOTHY RANKINE,
ARMANDO FARINAS, RON
KOMAROVSKY, PIERCE COUNTY, GARY
SANDERS, and ANTHONY MESSINEO,

Defendants.

NO. 3:21-cv-05692-BHS

DEFENDANT CITY OF TACOMA'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT

COMES NOW Defendant City of Tacoma, by and through its undersigned counsel of record,
and by way of answer to Plaintiff's First Amended Complaint admits, denies, and alleges as follows:

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DEFENDANT CITY OF TACOMA'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT - 1

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I. NATURE OF ACTION

1.1 Answering paragraph 1.1, Defendant City of Tacoma admits that the Plaintiffs have stated the identity of the parties, the nature of the action, and the claims asserted in their Amended Complaint. Except as admitted, denied.

1.2 Answering paragraph 1.2, Defendant City of Tacoma admits that the named officers were all on duty as police officers with the City of Tacoma at the time of their interaction with Mr. Ellis. Except as admitted, denied.

1.3 Answering paragraph 1.3, Defendant City of Tacoma denies all allegations.

1.4 The allegations contained in paragraph 1.4 are directed to another defendant. No answer is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

1.5 The allegations contained in paragraph 1.5 are directed to another defendant. No answer is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

II. PARTIES

2.1 Answering paragraph 2.1, Defendant City of Tacoma denies all allegations for lack of information.

2.2 Answering paragraph 2.2, Defendant City of Tacoma denies all allegations for lack of information.

1 2.3 Answering paragraph 2.3, Defendant City of Tacoma admits that at all relevant times,
2 Christopher Burbank was employed as a law enforcement officer by the City of Tacoma. Except
3 as admitted, denied for lack of information.

4 2.4 Answering paragraph 2.4, Defendant City of Tacoma admits that at all relevant times,
5 Matthew Collins was employed as a law enforcement officer by the City of Tacoma. Except as
6 admitted, denied for lack of information.

7 2.5 Answering paragraph 2.5, Defendant City of Tacoma admits that at all relevant times,
8 Timothy Rankine was employed as a law enforcement officer by the City of Tacoma. Except as
9 admitted, denied for lack of information.

10 2.6 Answering paragraph 2.6, Defendant City of Tacoma admits that at all relevant times,
11 Masyih Ford was employed as a law enforcement officer by the City of Tacoma. Except as
12 admitted, denied for lack of information.

13 2.7 Answering paragraph 2.7, Defendant City of Tacoma admits that at all relevant times,
14 Armando Farinas was employed as a law enforcement officer by the City of Tacoma. Except as
15 admitted, denied for lack of information.

16 2.8 Answering paragraph 2.8, Defendant City of Tacoma admits that at all relevant times, Ron
17 Komarovsky was employed as a law enforcement officer by the City of Tacoma. Except as
18 admitted, denied for lack of information.

19 2.9 Answering paragraph 2.9, Defendant City of Tacoma admits that it is a municipal
20 corporation in the Western District of Washington and that at all relevant times, the named officers
21 were employees of the City of Tacoma. Except as admitted, denied.

1 2.10 The allegations in paragraph 2.10 are directed at another defendant. No answer is required
2 from Defendant City of Tacoma. To the extent any answer is required, denied for lack of
3 knowledge.

4 2.11 The allegations in paragraph 2.11 are directed at another defendant. No answer is required
5 from Defendant City of Tacoma. To the extent any answer is required, denied for lack of
6 knowledge.

7 2.12 The allegations in paragraph 2.12 are directed at another defendant. No answer is required
8 from Defendant City of Tacoma. To the extent any answer is required, denied for lack of
9 knowledge.

10 **III. JURISDICTION AND VENUE**

11 3.1 Answering paragraph 3.1, Defendant City of Tacoma admits that this Court has jurisdiction
12 over the federal claims asserted in Plaintiff's Amended Complaint.

13 3.2 Answering paragraph 3.2, Defendant City of Tacoma admits that this Court has
14 supplemental jurisdiction over Plaintiff's state law claims.

15 3.3 Answering paragraph 3.3, Defendant City of Tacoma admits that venue is proper.

16 **IV. FACTS ALLEGED**

17 4.1 Answering paragraph 4.1, Defendant City of Tacoma denies all allegations for lack of
18 knowledge.

19 4.2 Answering paragraph 4.2, Defendant City of Tacoma denies all allegations for lack of
20 knowledge.

21 4.3 Answering paragraph 4.3, Defendant City of Tacoma denies all allegations.

1 4.4 Answering paragraph 4.4, Defendant City of Tacoma denies all allegations.

2 4.5 Answering paragraph 4.5, Defendant City of Tacoma denies all allegations.

3 4.6 Answering paragraph 4.6, Defendant City of Tacoma admits that Officers Collins and
4 Burbank exited their patrol vehicle at some point during their interaction with Mr. Ellis and admit
5 that there is partial video of this incident. Except as admitted, denied.

6 4.7 Answering paragraph 4.7, Defendant City of Tacoma admits that Mr. Ellis was unarmed.

7 4.8 Answering paragraph 4.8, Defendant City of Tacoma admits that Officer Collins has
8 training in defensive tactics and was wearing a Tacoma Police Department uniform including a
9 bulletproof vest. Except as admitted, denied for lack of information.

10 4.9 Answering paragraph 4.9, Defendant City of Tacoma admits that Officer Burbank has
11 training in defensive tactics and was wearing a Tacoma Police Department uniform including a
12 bulletproof vest. Except as admitted, denied for lack of information.

13 4.10 Answering paragraph 4.10, Defendant City of Tacoma denies all allegations.

14 4.11 Answering paragraph 4.11, Defendant City of Tacoma denies all allegations.

15 4.12 Answering paragraph 4.12, Defendant City of Tacoma denies all allegations.

16 4.13 Answering paragraph 4.13, Defendant City of Tacoma denies all allegations.

17 4.14 Answering paragraph 4.14, Defendant City of Tacoma denies all allegations.

18 4.15 Answering paragraph 4.15, Defendant City of Tacoma denies all allegations.

19 4.16 Answering paragraph 4.16, Defendant City of Tacoma denies all allegations.

20 4.17 Answering paragraph 4.17, Defendant City of Tacoma admits that Officers Rankine and
21 Ford responded to the scene. Except as admitted, denied.

1 4.18 Answering paragraph 4.18, Defendant City of Tacoma admits that Officer Rankine gave a
2 statement, which speaks for itself. Except as admitted, denied.

3 4.19 Answering paragraph 4.19, Defendant City of Tacoma admits that Officer Rankine assisted
4 in restraining Manuel Ellis. Except as admitted, denied.

5 4.20 Answering paragraph 4.20, Defendant City of Tacoma admits that Mr. Ellis was restrained
6 in handcuffs. Except as admitted, denied.

7 4.21 Answering paragraph 4.21, Defendant City of Tacoma denies all allegations.

8 4.22 Answering paragraph 4.22, Defendant City of Tacoma denies all allegations.

9 4.23 Answering paragraph 4.23, Defendant City of Tacoma admits that a hobble restraint was
10 applied while restraining Manuel Ellis. Except as admitted, denied.

11 4.24 Answering paragraph 4.24, Defendant City of Tacoma denies all allegations.

12 4.25 Answering paragraph 4.25, Defendant City of Tacoma admits that multiple officers were
13 required to restrain Manuel Ellis. Except as admitted, denied.

14 4.26 Answering paragraph 4.26, Defendant City of Tacoma denies all allegations.

15 4.27 Answering paragraph 4.27, Defendant City of Tacoma admits that multiple officers were
16 required to restrain Manuel Ellis. Except as admitted, denied.

17 4.28 Answering paragraph 4.28, Defendant City of Tacoma admits that one officer described a
18 hobble restraint as similar in visual appearance to a dog leash. Except as admitted, denied.

19 4.29 Answering paragraph 4.29, Defendant City of Tacoma denies all allegations.

20 4.30 Answering paragraph 4.30, Defendant City of Tacoma denies all allegations.
21

1 4.31 Answering paragraph 4.31, Defendant City of Tacoma admits that Officer Komarovsky
2 responded to the incident scene. Except as admitted, denied.

3 4.32 Answering paragraph 4.32, Defendant City of Tacoma admits that Officer Farinas
4 responded to the incident scene. Except as admitted, denied.

5 4.33 Answering paragraph 4.33, Defendant City of Tacoma admits that Manuel Ellis was
6 restrained during the incident. Except as admitted, denied.

7 4.34 Answering paragraph 4.34, Defendant City of Tacoma denies all allegations for lack of
8 knowledge.

9 4.35 Answering paragraph 4.35, Defendant City of Tacoma admits that a spit sock was applied
10 to Manuel Ellis. Except as admitted, denied.

11 4.36 Answering paragraph 4.36, Defendant City of Tacoma denies all allegations.

12 4.37 Answering paragraph 4.37, Defendant City of Tacoma denies all allegations.

13 4.38 Answering paragraph 4.38, Defendant City of Tacoma denies all allegations.

14 4.39 Answering paragraph 4.39, Defendant City of Tacoma denies all allegations.

15 4.40 Answering paragraph 4.40, Defendant City of Tacoma denies all allegations.

16 4.41 Answering paragraph 4.41, Defendant City of Tacoma denies all allegations.

17 4.42 Answering paragraph 4.42, Defendant City of Tacoma denies all allegations.

18 4.43 Answering paragraph 4.43, Defendant City of Tacoma denies all allegations.

19 4.44 Answering paragraph 4.44, Defendant City of Tacoma denies all allegations.

20 4.45 Answering paragraph 4.45, Defendant City of Tacoma denies all allegations.
21

1 4.46 The allegations in paragraph 4.46 are directed at another defendant. No answer is required
2 by Defendant City of Tacoma. To the extent any answer is required, denied.

3 4.47 The allegations in paragraph 4.47 are directed at another defendant. No answer is required
4 by Defendant City of Tacoma. To the extent any answer is required, denied.

5 4.48 The allegations in paragraph 4.48 are directed at another defendant. No answer is required
6 by Defendant City of Tacoma. To the extent any answer is required, denied.

7 4.49 The allegations in paragraph 4.49 are directed at another defendant. No answer is required
8 by Defendant City of Tacoma. To the extent any answer is required, denied.

9 4.50 Answering paragraph 4.50, Defendant City of Tacoma admits that the officers called for
10 medical assistance for Manuel Ellis. Except as admitted, denied.

11 4.51 Answering paragraph 4.51, Defendant City of Tacoma denies all allegations.

12 4.52 Answering paragraph 4.52, Defendant City of Tacoma denies all allegations.

13 4.53 Answering paragraph 4.53, Defendant City of Tacoma admits that the Tacoma Fire
14 Department responded to the incident scene. Except as admitted, denied.

15 4.54 Answering paragraph 4.54, Defendant City of Tacoma denies all allegations.

16 4.55 Answering paragraph 4.55, Defendant City of Tacoma denies all allegations.

17 4.56 Answering paragraph 4.56, Defendant City of Tacoma admits that emergency personnel
18 attempted to provide aid to Manuel Ellis. Except as admitted, denied.

19 4.57 Answering paragraph 4.57, Defendant City of Tacoma denies all allegations for lack of
20 information.

1 4.58 Answering paragraph 4.58, Defendant City of Tacoma admits that Officer Farinas was
2 handed a spent TASER cartridge while at the incident scene. Except as admitted, denied.

3 4.59 Answering paragraph 4.59, Defendant City of Tacoma denies all allegations.

4 4.60 Answering paragraph 4.60, Defendant City of Tacoma admits that Officer Farinas acted as
5 Critical Incident Liaison Officer to Officer Burbank. Except as admitted, denied.

6 4.61 Answering paragraph 4.61, Defendant City of Tacoma denies all allegations.

7 4.62 The allegations in paragraph 4.62 are directed at another defendant. No answer is required
8 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

9 4.63 The allegations in paragraph 4.63 are directed at another defendant. No answer is required
10 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

11 4.64 The allegations in paragraph 4.64 are directed at another defendant. No answer is required
12 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

13 4.65 Paragraph 4.65 states a legal conclusion to which no answer is required. To the extent any
14 answer is required, denied.

15 4.66 The allegations in paragraph 4.66 are directed at another defendant. No answer is required
16 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

17 4.67 The allegations in paragraph 4.67 are directed at another defendant. No answer is required
18 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

19 4.68 The allegations in paragraph 4.68 are directed at another defendant. No answer is required
20 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

1 4.69 The allegations in paragraph 4.69 are directed at another defendant. No answer is required
2 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

3 4.70 The allegations in paragraph 4.70 are directed at another defendant. No answer is required
4 by Defendant City of Tacoma. To the extent any answer is required, Defendant City of Tacoma
5 denies that Manuel Ellis was “choked” and denies all other allegations for lack of information.

6 4.71 The allegations in paragraph 4.71 are directed at another defendant. No answer is required
7 by Defendant City of Tacoma. To the extent any answer is required, denied.

8 4.72 Paragraph 4.72 states a legal conclusion to which no answer is required and is directed at
9 another defendant. No answer is required from Defendant City of Tacoma. To the extent any
10 answer is required, denied.

11 4.73 Paragraph 4.73 states a legal conclusion to which no answer is required and is directed at
12 another defendant. No answer is required from Defendant City of Tacoma. To the extent any
13 answer is required, denied.

14 4.74 Paragraph 4.74 states a legal conclusion to which no answer is required and is directed at
15 another defendant. No answer is required from Defendant City of Tacoma. To the extent any
16 answer is required, denied.

17 4.75 The allegations in paragraph 4.75 are directed at another defendant. No answer is required
18 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

19 4.76 The allegations in paragraph 4.76 are directed at another defendant. No answer is required
20 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.
21

1 4.77 The allegations in paragraph 4.77 are directed at another defendant. No answer is required
2 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

3 4.78 The allegations in paragraph 4.78 are directed at another defendant. No answer is required
4 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

5 4.79 Answering paragraph 4.79, Defendant City of Tacoma admits that the defendant officers
6 declined to answer questions without counsel present on March 4, 2020. Except as admitted,
7 denied.

8 4.80 The allegations in paragraph 4.80 are directed at another defendant. No answer is required
9 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

10 4.81 The allegations in paragraph 4.81 are directed at another defendant. No answer is required
11 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

12 4.82 Paragraph 4.82 states a legal conclusion to which no answer is required and is directed at
13 another defendant. No answer is required from Defendant City of Tacoma. To the extent any
14 answer is required, denied.

15 4.83 The allegations in paragraph 4.83 are directed at another defendant. No answer is required
16 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

17 4.84 Answering paragraph 4.84, Defendant City of Tacoma admits that Officers Collins,
18 Burbank, Rankine, and Ford were placed on administrative leave. Except as admitted, denied.

19 4.85 Answering paragraph 4.85, Defendant City of Tacoma denies all allegations.

20 4.86 Answering paragraph 4.86, Defendant City of Tacoma denies all allegations.

21 4.87 Answering paragraph 4.87, Defendant City of Tacoma denies all allegations.

1 4.88 Answering paragraph 4.88, Defendant City of Tacoma denies all allegations.

2 4.89 Answering paragraph 4.89, Defendant City of Tacoma admits that Victoria Woodards was
3 at all relevant times mayor of the City of Tacoma, and that she participated in a press conference
4 on June 4, 2020. Except as admitted, denied.

5 4.90 Answering paragraph 4.90, Defendant City of Tacoma admits that Mayor Woodards had
6 statements in a press conference that can be found at the cited YouTube link. Except as so admitted,
7 denied.

8 4.91 Answering paragraph 4.91, Defendant City of Tacoma denies all allegations.

9 4.92 Answering paragraph 4.92, Defendant City of Tacoma denies all allegations for lack of
10 information.

11 4.93 The allegations in paragraph 4.93 are directed at another defendant. No answer is required
12 by Defendant City of Tacoma. To the extent any answer is required, denied for lack of information.

13 4.94 Answering paragraph 4.94, Defendant City of Tacoma admits that Washington State Patrol
14 carried out an investigation of this incident. Except as admitted, the allegations are denied.

15 4.95 Answering paragraph 4.95, Defendant City of Tacoma admits that Officer Collins declined
16 to be interviewed by Washington State Patrol. Except as admitted, the allegations are denied.

17 4.96 Answering paragraph 4.96, Defendant City of Tacoma admits that Officer Burbank
18 declined to be interviewed by Washington State Patrol. Except as admitted, the allegations are
19 denied.

1 4.97 Answering paragraph 4.97, Defendant City of Tacoma admits that Officer Rankine
2 declined to be interviewed by Washington State Patrol. Except as admitted, the allegations are
3 denied.

4 4.98 Answering paragraph 4.98, Defendant City of Tacoma admits that Officer Ford declined
5 to be interviewed by Washington State Patrol. Except as admitted, the allegations are denied.

6 4.99 Answering paragraph 4.99, Defendant City of Tacoma admits that Officer Farinas declined
7 to be interviewed by Washington State Patrol. Except as admitted, the allegations are denied.

8 4.100 Answering paragraph 4.100, Defendant City of Tacoma denies all allegations for lack of
9 information.

10 4.101 Answering paragraph 4.101, Defendant City of Tacoma denies all allegations for lack of
11 information.

12 4.102 Answering paragraph 4.102, Defendant City of Tacoma admits that the Washington State
13 Attorney General announced its charging decision in May 2021. Except as admitted, denied for
14 lack of information.

15 4.103 Answering paragraph 4.103, Defendant City of Tacoma admits that this paragraph contains
16 an excerpt from the Declaration of Probable Cause filed by the Attorney General. Except as
17 admitted, denied.

18 4.104 Answering paragraph 4.104, Defendant City of Tacoma admits that the named officers
19 have pled not guilty.

20 4.105 Paragraph 4.105 states a legal conclusion to which no answer is required. To the extent any
21 answer is required, denied.

1 4.106 Answering paragraph 4.106, Defendant City of Tacoma admits that Officers Collins,
2 Burbank, and Rankine were paid while on paid administrative leave. Except as admitted, denied.

3 4.107 Answering paragraph 4.107, Defendant City of Tacoma denies all allegations.

4 4.108 Answering paragraph 4.108, Defendant City of Tacoma denies all allegations.

5 4.109 Answering paragraph 4.109, Defendant City of Tacoma denies all allegations.

6 4.110 Answering paragraph 4.110, Defendant City of Tacoma denies all allegations.

7 4.111 Answering paragraph 4.111, Defendant City of Tacoma denies all allegations.

8 4.112 Answering paragraph 4.112, Defendant City of Tacoma denies all allegations.

9 4.113 Answering paragraph 4.113, Defendant City of Tacoma denies all allegations.

10 4.114 Answering paragraph 4.114, Defendant City of Tacoma admits that Tacoma Police
11 Department vehicles were not outfitted with in-car video and its officers were not equipped with
12 body-worn video on March 3, 2020.

13 4.115 Answering paragraph 4.115, Defendant City of Tacoma denies all allegations.

14 4.116 Answering paragraph 4.116, Defendant City of Tacoma denies all allegations.

15 4.117 Answering paragraph 4.117, Defendant City of Tacoma denies all allegations.

16 4.118 Answering paragraph 4.118, Defendant City of Tacoma denies all allegations.

17 4.119 The allegations contained in paragraph 4.119 are directed to another defendant. No answer
18 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
19 of information.

1 4.120 The allegations contained in paragraph 4.120 are directed to another defendant. No answer
2 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
3 of information.

4 4.121 The allegations contained in paragraph 4.121 are directed to another defendant. No answer
5 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
6 of information.

7 4.122 The allegations contained in paragraph 4.122 are directed to another defendant. No answer
8 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
9 of information.

10 4.123 The allegations contained in paragraph 4.123 are directed to another defendant. No answer
11 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
12 of information.

13 4.124 Answering paragraph 4.124, Defendant City of Tacoma denies all allegations.

14 4.125 The allegations contained in paragraph 4.125 are directed to another defendant. No answer
15 is required from Defendant City of Tacoma. To the extent any answer is required, denied for lack
16 of information.

17 4.126 Answering paragraph 4.126, Defendant City of Tacoma denies all allegations for lack of
18 information.

19 **V. CAUSES OF ACTION**

20 5.1 Answering paragraph 5.1, Defendant City of Tacoma denies all allegations.

21 5.2 Answering paragraph 5.2, Defendant City of Tacoma denies all allegations.

1 5.3 Answering paragraph 5.3, Defendant City of Tacoma denies all allegations.
2 5.4 Answering paragraph 5.4, Defendant City of Tacoma denies all allegations.
3 5.5 Answering paragraph 5.5, Defendant City of Tacoma denies all allegations.
4 5.6 Answering paragraph 5.6, Defendant City of Tacoma denies all allegations.
5 5.7 Answering paragraph 5.7, Defendant City of Tacoma denies all allegations.
6 5.8 The allegations in paragraph 5.8 are directed to another defendant. No answer is required
7 from Defendant City of Tacoma. To the extent any answer is required, denied.
8 5.9 The allegations in paragraph 5.9 are directed to another defendant. No answer is required
9 from Defendant City of Tacoma. To the extent any answer is required, denied.
10 5.10 The allegations in paragraph 5.10 are directed to another defendant. No answer is required
11 from Defendant City of Tacoma. To the extent any answer is required, denied.
12 5.11 The allegations in paragraph 5.11 are directed to another defendant. No answer is required
13 from Defendant City of Tacoma. To the extent any answer is required, denied.
14 5.12 The allegations in paragraph 5.12 are directed to another defendant. No answer is required
15 from Defendant City of Tacoma. To the extent any answer is required, denied.
16 5.13 Answering paragraph 5.13, Defendant City of Tacoma denies all allegations.
17 5.14 Answering paragraph 5.14, Defendant City of Tacoma denies all allegations.
18 5.15 Answering paragraph 5.15, Defendant City of Tacoma denies all allegations.
19 5.16 Answering paragraph 5.16, Defendant City of Tacoma denies all allegations.
20 5.17 Answering paragraph 5.17, Defendant City of Tacoma denies all allegations. Answering
21 the allegations contained in footnote 6, placed at the end of this paragraph, Defendant City of

1 Tacoma admits that plaintiffs filed a Claim for Damages form with the City and denies for lack of
2 information whether a claim was filed with Pierce County. Except as admitted, denied.

3 5.18 Paragraph 5.18 states a legal conclusion to which no answer is required. To the extent any
4 answer is required, denied.

5 5.19 The allegations in paragraph 5.19 are directed to another defendant. No answer is required
6 from Defendant City of Tacoma. To the extent any answer is required, denied.

7 5.20 Paragraph 5.20 states a legal conclusion to which no answer is required and is directed at
8 another defendant. No answer is required from Defendant City of Tacoma. To the extent any
9 answer is required, denied.

10 5.21 Answering paragraph 5.21, Defendant City of Tacoma denies all allegations.

11 5.22 Answering paragraph 5.22, Defendant City of Tacoma denies all allegations.

12 5.23 Answering paragraph 5.23, Defendant City of Tacoma denies all allegations for lack of
13 information.

14 5.24 Answering paragraph 5.24, Defendant City of Tacoma denies all allegations.

15 5.25 Answering paragraph 5.25, Defendant City of Tacoma denies all allegations.

16 5.26 Answering paragraph 5.26, Defendant City of Tacoma denies all allegations.

17 **VI. DAMAGES ALLEGED**

18 6.1 Answering paragraph 6.1, Defendant City of Tacoma denies all allegations.

19 6.2 Answering paragraph 6.2, Defendant City of Tacoma denies all allegations for lack of
20 information.

21 6.3 Answering paragraph 6.3, Defendant City of Tacoma denies all allegations.

1 6.4 Answering paragraph 6.4, Defendant City of Tacoma denies all allegations.

2 6.5 Answering paragraph 6.5, Defendant City of Tacoma denies all allegations.

3 6.6 Answering paragraph 6.6, Defendant City of Tacoma denies all allegations.

4 6.7 Answering paragraph 6.7, Defendant City of Tacoma denies all allegations.

5 6.8 Answering paragraph 6.8, Defendant City of Tacoma denies all allegations.

6 Additionally, paragraphs 6.1 through 6.8 constitute Plaintiffs' prayer for relief. Defendant City of
7 Tacoma denies that Plaintiffs are entitled to any of the relief requested therein.

8 FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, Defendant
9 City of Tacoma alleges as follows:

10 FIRST AFFIRMATIVE DEFENSE

11 Plaintiffs have failed to state a claim upon which relief may be granted.

12 SECOND AFFIRMATIVE DEFENSE

13 The individual City of Tacoma officers that are named as defendants are entitled to
14 qualified immunity under both federal and state law.

15 THIRD AFFIRMATIVE DEFENSE

16 All actions by the individual City of Tacoma officers were performed in good faith, were
17 reasonable, were based on probable cause and/or reasonable suspicion and were within their lawful
18 authority.

19 FOURTH AFFIRMATIVE DEFENSE

20 Plaintiffs' damages are proximately caused entirely by the conduct of Manuel Ellis, who
21 initiated a violent confrontation with the officers and died from a self-administered lethal dose of

1 methamphetamine.

2 FIFTH AFFIRMATIVE DEFENSE

3 All of Plaintiffs' state law claims are barred under RCW 5.40.060(1).

4 SIXTH AFFIRMATIVE DEFENSE

5 All of Plaintiff's state law claims are barred under RCW 4.24.420.

6 DATED this 10th day of December, 2021.

7 CHRISTIE LAW GROUP, PLLC

8 By /s/ Robert L. Christie

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18
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 10th day of December, 2021, I electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing
4 to the following:

5 **Attorneys for Plaintiffs**

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21 **Attorneys for Defendant Pierce County, Gary Sanders and Anthony Messineo**

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1
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